

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CYNTHIA DREW,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
DR. KILOLO KIJAKAZI,)	
Acting Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

Comes now, Cynthia Drew, hereinafter referred to as the plaintiff, and brings this action against Dr. Kilolo Kijakazi, as Acting Commissioner, Social Security Administration, for the United States of America, hereinafter referred to as the defendant, and respectfully shows the following:

1.

Plaintiff is a citizen of the United States of America residing in the County of Cobb, State of Georgia.

2.

Plaintiff brings this action under 42 U.S.C. § 405(g) for review of the final decision of the Commissioner of the Social Security Administration denying plaintiff's claim for SSDI benefits under the Social Security Act.

3.

On January 21, 2021, the plaintiff filed an application for SSDI benefits claiming benefits on her own wage record, which application was denied initially, on reconsideration, and after a hearing. The Appeals Council did not disturb the decision of the Administrative Law Judge, making the Administrative Law Judge's decision the final decision of the Commissioner. The plaintiff's identifying designation provided by the Commissioner on the final decision is BNC# 21VN298D93517.

4.

The issue in dispute is whether the decision of the defendant that plaintiff is not entitled to disability benefits under the Social Security Act is legally correct and is supported by substantial evidence.

5.

The conclusion of law and findings of fact rendered by the defendant are unsupported by substantial evidence, are based on the incorrect application of legal

principles and the application of incorrect legal principles, and are, therefore, not conclusive.

6.

Plaintiff respectfully submits to the Court that she is entitled to the benefits for which she applied because she meets all the requirements as to disability set out in the Social Security Act.

7.

Wherefore, plaintiff prays that the Acting Commissioner of the Social Security Administration for the United States of America, defendant herein, be required to appear before this court, answer this complaint, and to file a certified copy of the transcript including the evidence upon which the said findings and the decision of the Administrative Law Judge and Appeals Council are based; that the decision of the defendant be reviewed, reversed and set aside and the claim for benefits be allowed; that, in the alternative, the claim be remanded to the defendant for reconsideration of the evidence; that the Social Security Administration be required to make payment of the claim of the plaintiff; that the Plaintiff's attorney be awarded reasonable attorney's fees and that the defendant be ordered to pay said fees out of past due benefits of the plaintiff; that the defendant be ordered to pay to plaintiff's attorney reasonable attorney's fees under the Equal Access to Justice

Act; that the plaintiff have such other and further relief as is just and proper under the circumstances of this case.

8.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Respectfully submitted, this the 15th day of March, 2023.



Anjel F. Burgess, Esq.
Attorney for the Plaintiff
Georgia Bar # 322146
540 Powder Springs Street, A-1
Marietta, GA 30064
(770) 422-8111
(770) 422-0013 Fax